UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDIAN HARBOR INSURANCE COMPANY,

Plaintiff,

v.

2420 PROSPECT AVENUE CORP. and LISA SOSA,

Defendants.

Index No. 08-cv-2004 NRB

Request to Enter Default

TO: **J. Michael McMahon**
Clerk of the Court
United States District Court
Southern District of New York

Please enter the default of defendant Lisa Sosa, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Rules 55.1 and 55.2 of the Civil Rules for the Southern and Eastern Districts of New York, for failure to plead or otherwise respond to the complaint in the above-captioned action as is fully evident from the court file herein and from the attached Declaration of Sarah Anne Kutner.

Dated: Jericho, New York
May 30, 2008

Respectfully submitted,

NIXON PEABODY LLP

By: /s/
Sarah Anne Kutner (SAK 6516)
Aidan M. McCormack (AMM3017)
Attorneys for Plaintiffs
50 Jericho Quadrangle, Suite 300
Jericho, New York 11753
Tel. No.: (516) 832-7500

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDIAN HARBOR INSURANCE COMPANY,

Plaintiff,

v.

2420 PROSPECT AVENUE CORP. and LISA SOSA,

Defendants.

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Declaration of Sarah Anne Kutner

SARAH ANNE KUTNER, an attorney duly admitted to practice before this Court and the Courts of the State of New York, declares the following under penalty of perjury:

1. I am duly admitted to practice law before the United States District Court for the Southern District of New York. I am an associate with the law firm of Nixon Peabody LLP, counsel for plaintiff Indian Harbor Insurance Company ("Indian Harbor"). As such, I am fully familiar with the facts of this matter set forth herein based on my review of the file and handing of this case.

2. I submit this Declaration, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Rule 55.1 and 55.2 (a) of the Civil Rules for the Southern and Eastern Districts of New York, in support of Indian Harbor's request for a certificate of default against defendant Lisa Sosa in the captioned action.

3. I declare that (1) Lisa Sosa is not an infant, is not in the military, and is not an incompetent person; (2) Lisa Sosa has failed to plead or otherwise respond to the complaint in the captioned action; and (3) Lisa Sosa was properly served with the pleadings in this action.

Dated: Jericho, New York
May 30, 2008

/s/

Sarah Anne Kutner (SAK6516)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDIAN HARBOR INSURANCE COMPANY, Plaintiff, v. 2420 PROSPECT AVENUE CORP. and LISA SOSA, Defendants.	Index No. 08-cv-2004 NRB **Clerk's Certificate of Default**

I, J. MICHAEL McMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on February 28, 2008 with the filing of a summons and complaint. *See* Docket Entry No.1. Lisa Sosa was served with the pleadings on March 4, 2008 and on April 26, 2008. *See* Docket Entry Nos. 3 and 5.

I further certify that the docket entries indicate that to date, defendant Lisa Sosa has not filed an answer or otherwise responded to the complaint herein. The default of defendant Lisa Sosa in this action is hereby noted.

Dated: New York, New York
_______________, 2008

J. Michael McMahon
Clerk of the Court

By: ______________________
Clerk